

PATENT  
Docket No. 490352-3004/US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Heng Hang Tsai et al. Confirmation No. 2216  
Appl. No. : 10/583,179 Group Art Unit: 2161  
Filed : December 17, 2004 Examiner: Not yet assigned  
Docket No. : 490352-3004/US

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 C.F.R. § 1.47(a)**

Applicant's attempts to obtain the signature of one of the joint inventors in the above-referenced patent application have gone unanswered. Therefore, this is a petition to accept a declaration pursuant to 37 C.F.R. § 1.47(a).

**1. Requirement under MPEP 409.03(a)(A)**

All the available joint inventors have made:

- (1) a declaration on their own behalf; and
- (2) a declaration on behalf of the non-signing joint inventor since the declaration includes a blank signature block of the non-signing inventor.

**2. Requirement under MPEP 409.03(d)**

The undersigned has tried to gain the inventor's signature on the declaration for the above-referenced case as follows:

- a. On June 16, 2006, the present application was filed without signed declarations from the inventors.

- b. On August 15, 2007, a letter was sent by Vi Vien Lee via Registered Mail to Mr. Leung's last known address enclosing the Declaration and Assignment, and requesting that Mr. Leung execute same, and return them directly to David Schwartz of Smart & Biggar. Neither Ms. Lee nor Mr. Schwartz received a response from Mr. Leung, and the package was not returned to the sender, Ms. Lee.

**3. Requirement under MPEP 409.03(e)**

All prior correspondence with the inventor has been via mail. To the knowledge of the undersigned, based on an internet search dated August 23, 2008, that Mr. Leung should be reachable at the address initially attempted by Ms. Lee, which is:

Dr. Eastwood Leung, Ph. D.  
Assistant Professor, Dan L. Duncan Cancer Center and Dept. of Pediatrics  
Section of Hematology-Oncology,  
Baylor College of Medicine  
6621 Fannin Street, MC3-3320  
Houston, TX 77030

The internet search of August 23, 2008 also revealed an e-mail address:

[exleung@txcc.org](mailto:exleung@txcc.org)

**4. Citizenship**

It is the belief of the undersigned that Hon-Chiu Eastwood Leung is a citizen of the United States.

**5. Requirement under 37 CFR 1.47(a)**

The Commissioner is authorized to charge any fees, including fees for any extension of time, to Deposit Account No. 50-1901 (Docket 687-3050).

**Conclusion**

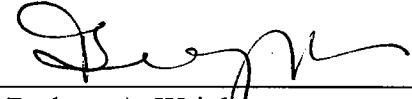
Based on the above information, it is respectfully requested that this Petition under 37 C.F.R. 1.47(a)) should be granted.

Dated: August 25, 2008

Respectfully submitted,

**OPPENHEIMER, WOLFF & DONNELLY LLP**  
Attorneys for Applicant

By \_\_\_\_\_



Barbara A. Wrigley  
Reg. No. 34,950  
45 South 7<sup>th</sup> Street, Suite 3300  
Minneapolis, MN 55402  
Telephone No. (612) 607-7595  
Facsimile No. (612) 607-7100  
E-Mail [BWrigley@Oppenheimer.com](mailto:BWrigley@Oppenheimer.com)

Customer No. 34205